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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,550	12/26/2001	Katsuhiko Suzuki	H07-138280M/NHK	8312
7590 04/13/2004			EXAMINER	
McGinn & Gibb, PLLC Suite 200 8321 Old Courthouse Road Vienna, VA 22182-3817			DOTE, JANIS L	
			ART UNIT	PAPER NUMBER
			1756	
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

The amendment document filed on Nov. 24, 2003 (Amdt112403), which was entered upon the filing of the Request for Continued Examination (RCE) on Feb. 23, 2004, is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction to the following item is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendments to the Claims" section of applicant's amendment document must be resubmitted. 37 CFR 1.12(h).**

Applicants were notified of the non-compliant amendment to the claims in the Advisory action mailed on Feb. 18, 2004.

As discussed in the Advisory action, in claims 16-20, labeled "withdrawn," the word "apparatus" in the phrase "image forming apparatus of claim . . .," which was previously recited in claims 16-20 filed on Jun. 6, 2003 (Amdt060603), has been merely replaced with the word -- method --, without the proper markings. Applicants have improperly amended claims 16-20.

37 CFR 1.121 reads: "[W]hen claim text with markings is

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required. All claims being currently amended . . . shall . . . be submitted with markings to indicate changes that have been made relative to the immediate prior version of the claims. The text of any added subject must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets [i.e., [[]] placed before and after the deleted characters may be used to show deletion of five or fewer consecutive letters" (emphasis added).

Since the non-compliant amendment is a submission for an RCE, and the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicants are given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit only the correct "Amendments to the claims" which complies with 37 CFR 1.121 in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR

1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be

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obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD

Apr. 8, 2004

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
1700